

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ROY COMBS, ID # 30807-177,)
Movant,)
vs.) No. 3:08-CV-0032-N-BH
UNITED STATES OF AMERICA,) No. 3:03-CR-0188-N (09)
Respondent.)

**RECOMMENDATION REGARDING REQUEST TO PROCEED
IN FORMA PAUPERIS ON APPEAL**

Pursuant to 28 U.S.C. § 636(b) and *Amended Miscellaneous Order No. 6* (adopted by *Special Order No. 2-59* on May 5, 2005), requests to proceed *in forma pauperis* on appeal are automatically referred.

Before the Court is Movant's *Motion to Proceed In Forma Pauperis* on appeal, received March 18, 2011 (doc. 57).

The motion for leave to proceed *in forma pauperis* on appeal should be GRANTED.

The motion for leave to proceed *in forma pauperis* on appeal should be DENIED because movant has not shown that he is a pauper. The Certificate of Inmate Trust Account reflects that movant has a current balance of \$990.45 and has had \$1897.00 deposited in his account in the past six months. Movant has not shown that he has any demands on his financial resources or that he will suffer undue financial hardship after payment of the \$455.00 appellate filing fee.

If the Court denies the request to proceed *in forma pauperis* on appeal, movant may challenge such denial by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within thirty days after service of the notice required by Fed. R. App. P. 24(a)(4). See Fed. R. App. P. 24(a)(5).

SIGNED this 9th day of May, 2011.


IRMA CARRILLO RAMIREZ
UNITED STATES MAGISTRATE JUDGE